

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 19, 2009 at 8:05
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Edith (Edie) McClafferty (D)

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 221, 3/17/2009

Executive Action: SB 281, SB 381

HEARING ON SB 221

Opening Statement by Sponsor:

00:01:01 Sen. Mitch Tropila (D), SD 12, opened the hearing on
SB 221, Revise laws related to animal cruelty re:
animal hoarding.

[EXHIBIT\(juh61a01\)](#)

[EXHIBIT\(juh61a02\)](#)

00:12:34 Chairman Stoker

Proponents' Testimony:

00:13:52 Sen. Larry Jent, SD 32, Bozeman

00:19:09 Steve Bolstad, Cascade County Attorney's Office

00:27:30 Ingrid Rosenquist, Yellowstone County Attorney's Office

00:36:30 Joe Briggs, Chairman, Cascade County Commission;
Montana Association of Counties

00:38:53 David Castle, Sheriff, Cascade County

00:41:26 Linda Metzger

[EXHIBIT\(juh61a03\)](#)

00:44:33 Jean Johnson, Montana Outfitters and Guides Association

00:47:08 Stuart Doggett, Montana Veterinary Medical Association

00:48:01 Cindy James, founder, Camp Collie

[EXHIBIT\(juh61a04\)](#)

00:52:52 Gina Wiest, Director, Lewis and Clark Humane Society

00:55:56 Melanie Lattin, certified dog trainer, Great Falls

01:00:54 Margie Taylor, Executive Director, Heart of the Valley
Animal Shelter, Bozeman

01:04:54 Dave Pauli, Montana Animal Care Association

[EXHIBIT\(juh61a05\)](#)

[EXHIBIT\(juh61a06\)](#)

01:10:36 Chairman Stoker

01:10:52 Recess

01:27:30 Reconvene

Opponents' Testimony:

01:28:21 Kirsten Sedlak

01:32:35 David Anderson, Constitution Party

01:37:48 Peggy Duezabou

01:42:46 Cheryl Moldenhauer

[EXHIBIT\(juh61a07\)](#)

[EXHIBIT\(juh61a08\)](#)

[EXHIBIT\(juh61a09\)](#)

01:47:14 Roland Deane, Montana State Houndsmen Association

01:48:55 Bob Myers

01:52:35 Jan Breitenfeldt

[EXHIBIT\(juh61a10\)](#)

01:57:10 Rae Johnson

01:58:09 Kelly Sondeno

02:05:39 Anita Roessmann, Disability Rights Montana

02:09:30 Matt Kuntz, National Alliance for Mental Illness (NAMI)
Montana

Informational Testimony:

02:11:26 Brant Light, Assistant Attorney General

Questions from Committee Members and Responses:

02:14:15 Rep. Driscoll

02:15:12 Ms. Sedlak

02:15:36 Rep. Driscoll

02:16:09 Ms. Sedlak

02:16:25 Rep. Driscoll

02:16:33 Ms. Sedlak

02:17:50 Rep. Driscoll

02:18:20 Ms. Sedlak

02:18:40 Rep. Driscoll

02:19:14 Ms. Breitenfeldt

02:19:53 Chairman Stoker

02:19:58 Rep. Regier

02:20:13 Sen. Tropila

02:20:17 Rep. Regier

02:20:31 Sen. Tropila

02:20:58 Rep. Regier

02:21:15 Sen. Tropila

02:21:57 Chairman Stoker

02:22:00 Rep. More

02:22:55 Sen. Tropila

02:23:30 Rep. More

02:23:45 Sen. Tropila

02:24:21 Chairman Stoker

02:24:25 Rep. Wagner

02:24:30 Chairman Stoker

02:24:45 Rep. Wagner

02:25:11 Mr. Castle

02:27:08 Rep. Wagner

02:27:36 Mr. Castle

02:28:09 Rep. Wagner

02:28:12 Chairman Stoker

02:28:22 Rep. Peterson

02:29:00 Ms. Metzger

02:30:52 Rep. Peterson

02:31:00 Ms. Metzger

02:31:03 Rep. Peterson

02:31:17 Ms. Metzger
02:31:34 Rep. Peterson
02:31:39 Rep. More
02:31:59 Ms. Roessmann
02:32:19 Rep. More
02:32:31 Ms. Roessmann
02:33:31 Rep. More
02:33:46 Ms. Roessmann
02:34:35 Chairman Stoker
02:34:39 Rep. Menahan
02:34:50 Sen. Tropila
02:34:51 Rep. Menahan
02:36:08 Sen. Tropila
02:37:11 Rep. Menahan
02:38:09 Sen. Tropila
02:39:01 Rep. Menahan
02:40:15 Sen. Tropila
02:40:51 Chairman Stoker
02:41:00 Rep. Warburton
02:41:04 Sen. Tropila
02:41:07 Rep. Warburton
02:41:47 Sen. Tropila
02:42:23 Chairman Stoker
02:42:25 Rep. Wagner
02:43:15 Chairman Stoker
02:43:18 Rep. Wagner
02:43:45 Mr. Castle
02:43:56 Chairman Stoker
02:44:01 Mr. Castle
02:44:49 Rep. Wagner
02:45:04 Mr. Castle
02:45:22 Rep. Wagner
02:45:45 Mr. Castle
02:47:25 Rep. Wagner
02:47:29 Rep. Bennett
02:47:52 Ms. Dubzabou
02:47:55 Rep. Bennett
02:48:10 Ms. Dubzabou
02:49:46 Rep. Bennett
02:49:53 Ms. Dubzabou
02:49:54 Rep. Bennett
02:50:00 Rep. Warburton
02:50:31 Mr. Castle
02:51:18 Rep. Warburton
02:51:26 Mr. Castle
02:51:35 Rep. Warburton
02:51:42 Mr. Castle
02:51:47 Rep. Warburton
02:51:55 Chairman Stoker
02:52:30 Mr. Light

02:53:51 Chairman Stoker
 02:54:33 Mr. Light
 02:54:45 Chairman Stoker
 02:54:47 Rep. More
 02:54:58 Sen. Tropila
 02:55:00 Rep. More
 02:55:37 Sen. Tropila
 02:56:18 Rep. More
 02:56:33 Sen. Tropila
 02:57:28 Chairman Stoker

Closing by Sponsor:

02:57:33 Sen. Tropila

 03:02:12 Chairman Stoker
 03:02:33 Sen. Tropila
 03:02:34 Chairman Stoker

 03:02:46 Recess
 03:18:16 Reconvene

EXECUTIVE ACTION ON SB 281

03:18:38 **Motion:** Rep. Peterson moved that **SB 281 BE CONCURRED IN.**

Discussion:

03:18:41 Chairman Stoker
 03:18:47 Rep. Becker
 03:19:39 Chairman Stoker
 03:20:03 Rep. Kerns
 03:20:27 Rep. Becker
 03:20:44 Rep. Howard
 03:21:20 Rep. Menahan
 03:23:53 Rep. Howard
 03:24:30 Rep. Menahan
 03:26:34 Rep. Howard
 03:26:53 Rep. Menahan
 03:27:35 Rep. Blewett
 03:28:37 Rep. Regier
 03:29:21 Rep. Peterson
 03:30:05 Rep. Ebinger
 03:30:25 Rep. Peterson
 03:30:42 Chairman Stoker
 03:30:51 Rep. Wagner
 03:31:29 Rep. Warburton
 03:31:45 Rep. Kottel

03:33:12 Rep. Menahan
03:35:41 Rep. Howard
03:35:55 Rep. Peterson called the question.

03:35:57 **Vote:** Motion carried 12-6 by roll call vote with Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Becker, and Rep. Warburton voting no. Rep. McClafferty voted by proxy.

03:36:48 Chairman Stoker

EXECUTIVE ACTION ON SB 381

03:37:01 **Motion:** Rep. Peterson moved that **SB 381 BE CONCURRED IN.**

Discussion:

03:37:05 Chairman Stoker
03:37:35 Rep. Howard
03:38:27 Rep. Menahan
03:41:00 Rep. Peterson
03:42:18 Rep. Regier
03:42:57 Rep. Ebinger
03:43:19 Rep. Wagner
03:45:40 Rep. Peterson
03:45:59 Rep. More
03:47:26 Rep. Warburton
03:48:06 Rep. Peterson called the question

03:48:59 **Vote:** Motion failed 8-10 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. McClafferty voted by proxy.

03:49:46 Chairman Stoker

03:49:48 **Motion:** Rep. Sands moved that **SB 381 BE TABLED AND THE VOTE REVERSED.**

03:49:54 **Vote:** Motion carried 12-6 by voice vote with Rep. Bennett, Rep. Warburton, Rep. Peterson, Rep. Kerns, Rep. More, and Rep. Stoker voting no. Rep. McClafferty voted by proxy.

03:51:00 Chairman Stoker
03:52:02 Rep. Kottel

ADJOURNMENT

03:52:45 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT(juh61a11) Letter from Carol Ferguson opposing SB 381
EXHIBIT(juh61a12) Letter from Carol Ferguson opposing SB 382
EXHIBIT(juh61a13) Testimony and information pertaining to SB 221

Additional Documents:

EXHIBIT(juh61aad.pdf)